IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 5460 of 2007(Y)

PETITIONER:

R.CHITHRAJAKUMAR,
SUB EDITOR, DEPARTMENT OF MALAYALAM LEXICON,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON

RESPONDENTS:
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1. **THE UNIVERSITY OF KERALA, REPRESENTED BY ITS REGISTRAR, UNIVERSITY BUILDINGS, THIRUVANANTHAPURAM.**

2. **THE STATE OF KERALA, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, HIGHER EDUCATION (B) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

ADDL.R3 IMPLEADED

3. **DR.P.P.SOUHRUDAN, S/O.P.N. PADMANABHAN TECHNICAL ASSISTANT IN THE DEPT. OF MALAYALAM LEXICOM, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.**

IMPLEADED AS ADDL.R3 VIDE ORDER DT.14.03.2007 IN IA.3268/07.

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
SRI.P.SANTHALINGAM
SRI.S.SHARAN
BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 5460 OF 2007

Dated this the 28th day of May, 2007

J U D G M E N T

This writ petition has been filed by the Sub Editor working in the Department of Malayalam Lexicon in The University of Kerala. It is the admitted position that petitioner had been serving as Sub Editor in the University eversince 1987. His grievance is that two posts of Assistant Editor in the Department are proposed to be filled up by the University without prescribing qualifications of the candidates to hold the post, as envisaged in the regulations framed by the University Grants Commission in this regard. Ext.P18 is stated to be the communication sent by the Government to the University informing that the two notified posts of Assistant Editors in the Department can be filled up “as a special case”. The two notifications are on record as Exts.P15 & P16 which were issued in the year 1989 and 1993, respectively.

2. It is the case of the petitioner that the University cannot fill up the notified posts on the basis of those two “ancient” notifications. It is however admitted by the petitioner that he is not qualified to hold the post of Assistant Editor under the UGC

scheme. Significantly, he has not even bothered to mention what his qualifications are. But nevertheless the petitioner has challenged Ext.P15 notification alleging malafides favouritism etc. Curiously, petitioner has also applied for the post in response to Ext.P15. But still, he prays that the university be restrained from making appointment before amending the Statutes, Ordinance etc. But it has to be remembered that petitioner had opted for UGC scale of pay attached to the post of Lecturer. Anyhow, I do not propose to deal with those aspects of the case at this stage.

3. It is brought to my notice that the Syndicate of the University at its meeting held on April 21, 2007, has resolved to refer the question of amendment of the qualifications for the post of Editor, Assistant Editor and Sub Editor in the Department as per the UGC norms and has referred the issue to the Standing committee of the Syndicate on Staff, Equipments and Building for a detailed study. Learned counsel submits that the said committee is now in seisin of the matter.

4. Having heard learned counsel for the parties, I am of the view that it will be premature on the part of this Court to consider the question whether the proposed action of the University is either illegal or improper. It will be open to the

petitioner, if so advised, to challenge the action if any that may be taken by the University pursuant to Ext.P18, if it is found that the appointment is against the statutes, ordinance etc. governing the field.

With that liberty reserved in favour of the petitioner, this writ petition is closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007